

The Miami Herald □

February 16, 2007

When it comes to asylum seekers, the Department of Homeland Security behaves as if it can ignore both the law and congressional oversight. Two years ago the U.S. Commission on International Religious Freedom found that DHS's immigration agencies failed to protect legitimate asylum seekers at a time when border enforcement was being tightened. Now the commission has found little improvement and less protection for asylum seekers. This is unacceptable.

Comply with the law

Congress should remind DHS that it intended the "expedited removal" process to protect U.S. borders as well as legitimate asylum seekers. DHS has to comply with both parts of the law. Sen. Joseph Lieberman, I-Conn., says he will file a bill to force compliance. He should hold hearings, too, to determine why DHS refuses to follow current law.

Congress created the commission to monitor the status of freedom of thought, conscience and belief abroad. When asked to determine how well federal agencies had implemented protections for asylum seekers, the commission found many flaws. The agency issued 18 recommendations in 2005. The follow-up study now finds that DHS ignored most of the recommendations and that the chances of sending asylum seekers back to their persecutors actually has increased.

Most egregious, DHS expanded the expedited removal program expressly against the commission's advice. The result puts greater numbers of asylum seekers at risk of quick and wrongful deportation. DHS also continues to treat asylum seekers as if they were criminals.

The commission singled out DHS's Customs and Border Protection agency for its particularly bad performance. CBP rated an "F" for implementing none of five recommendations. In nearly 15 percent of the expedited-removal interviews observed by commission experts, asylum seekers who expressed a fear of repatriation were deported without being referred to an asylum

officer, as is required. This is an alarming finding considering the dangers that someone fleeing from a death squad or torturer could face in their home country.

Training judges

DHS's Immigration and Customs Enforcement, rated "D," was faulted for not consistently releasing asylum seekers pending their hearing, as policy allows. And it too often detains asylum seekers in jails and prisons alongside convicted criminals. The commission praised the Justice Department for moving to reinstate training for immigration judges. But that's not enough. America is a beacon of hope for people fleeing political, religious and other persecutions. Asylum seekers shouldn't face more abuse by DHS.